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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,044	02/28/2002	Bob Janssen	DVME-1020US	6490
21302 7590 06/15/2007 KNOBLE, YOSHIDA & DUNLEAVY EIGHT PENN CENTER SUITE 1350, 1628 JOHN F KENNEDY BLVD PHILADELPHIA, PA 19103			EXAMINER LIM, KRISNA	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 06/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/087,044

Applicant(s)

JANSSEN ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Claims 1-19 are pending for examination.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

2. Claims 14-18 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter as being an intangible media (e.g., a program, procedure, etc.) and an abstract idea. A program is not tangibly embodied in a manner so as to be executable because there is no mention of the computer program being stored on a computer readable medium.
3. Claims 1-19 are still rejected under 35 U.S.C § 103(a) as being unpatentable over Zhao [U.S. Patent No. 6,035,404] in view of Fritz [U.S. Patent No. 6,757,679].
4. Zhao discloses the invention substantially as claimed. Taking claims 1 and 19 as exemplary claims, the reference discloses in a multi-user computer system comprising processing a log-on request entered by a user at a terminal (e.g., see cols. 5-6), wherein the creation of a user session is halted when more than a maximum number (e.g., see col. 6, lines 9-12), maintained as a variable in the multi-user computer system, of log-on requests are being processed simultaneously, said system including an adjustment mechanism for dynamically adjusting the maximum number of user sessions which can be processed simultaneously (e.g., see cols. 5-6).

While Zhao uses a login manager with the state lookup table (SLT) and the bits masked in area 32 to determine the maximum number of concurrent users that permitted to be logged on at the same time, Zhao does not mention the use of queue for controlling the number of requests concurrently. Fritz on the other hand disclose the use of queue to control the number of requests concurrently (e.g., see col. 3, lines 31-

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55). Since both of these two references are dealing with controlling the maximum number of simultaneously requests to logon to the system, it would have been obvious to one of ordinary skill in the art to combine the teaching of Fritz's queue into Zhao's system so that additional feature of controlling the maximum number of concurrent users can be achieved.

5. As to claim 2, Fritz discloses one request is performed when the other has been completed (e.g., see 14, the use of queue pointer for control the requests).

6. As to claims 3 and 11, Fritz discloses each request is assigned a lot at a certain position in a waiting queue (assigning priority to the request and placed it in the queue, see col. 3 (lines 31-43)).

7. As to claims 4 and 8, such feature of displaying information to the user would have been obvious to one of ordinary skilled in the art at the time the invention was made because this is merely showing data on a computer monitor or screen.

8. As to claim 5, Fritz discloses the feature of removing requests from the waiting queue (e.g., see col. 3 , lines 43-55).

9. As to claim 6, Fritz discloses the feature of continually updated of the request and remove from the slot of queue (e.g., see col. 5, lines 33-52).

10. As to claim 7, Fritz discloses the feature of cancel a request (dequeue, request to remove) (e.g., see col. 6 (lines 1-31, 64)).

11. As to claim 9, Fritz discloses the feature of updating a user session during a certain time interval when the user session has been completed (e.g., see col. 5 (line 18) to col. 6 (line 68)).

12. Applicant's arguments, see Pre-Appeal Brief Request, filed 1/26/07, with respect to the rejection(s) of claim(s) 1-19 under Fritz [U.S. Patent No. 6,757,679] have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Zhao [U.S. Patent No. 6,035,404] in view of Fritz [U.S. Patent No. 6,757,679].

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

June 5, 2007



KRISNA LIM
PRIMARY EXAMINER